

Countryman, Ryan

From: Heidi K. S. Napolitano <Heidi@townofwoodway.com>
Sent: Wednesday, February 12, 2020 4:13 PM
To: MacCready, Paul
Cc: Eric Faison; Carla Nichols
Subject: Comments on BSRE Variance request
Attachments: Letter to Paul MacCready - point wells variance comment - 2020-02-12.pdf

CAUTION : This email originated from outside of this organization. Please exercise caution with links and attachments.

Paul,

The Town of Woodway's comments are attached. Please confirm receipt. Thank you!

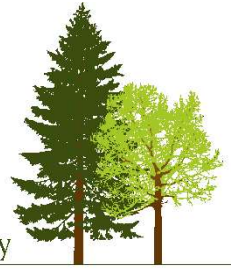
Sincerely,
Heidi

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Heidi K. S. Napolitano, CMC, CPT  
Clerk-Treasurer  
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**\*Attention: Town Hall and the Permit Counter have limited hours. Visit our website for details\***

Snohomish County  
Attn: Paul MacCready  
Planning and Development Services  
3000 Rockefeller Ave  
Everett, WA 98201-4046

Town of Woodway  
WASHINGTON



RE: Opposition to Blue Square Real Estate's Requests for Variance - Reference #101457LU

Dear Mr. MacCready,

The elected officials and families of the Town of Woodway have followed the development plans for Point Wells for many decades now. We are aware of Blue Square Real Estate's ("BSRE") recent submission of a re-application for an Urban Center development. And we note that the application appears to include very few changes from the prior application that contained numerous deficiencies. To resolve these deficiencies, the re-application appears to rely in large part on two variance requests.

We'd like to register our strong opposition to the variance requests submitted by BSRE. BSRE must prove a hardship in order for the variance to be approved. We contend that they have not made their case.

*Criteria #1. Special Circumstances*

In both requests, BSRE contends that the topography and limited access to the site limits the development area, requiring an increase in the height limitation. What they fail to argue is that these limitations make the property undevelopable. The natural constraints to the property were present the day BSRE purchased Point Wells and present when BSRE requested a zoning code change. It seems that the special circumstances are based on potential revenue rather than topography.

*Criteria #2. Substantial Property Right*

In both requests, BSRE contends that the topography and limited access to the site limits the development area, requiring an increase in the height limitation to preserve their vested rights to develop the site under previously declared illegal Urban Center code. What they fail to adequately explain is how these limitations make the property undevelopable within the scope of the Urban Center code, or why a more appropriate variance would not be to the code's minimum floor area ratio. They do not adequately explain these arguments, nor have they shown why a development with buildings not exceeding 90' cannot be built, because they cannot do so in good faith.

BSRE has been aware for some time that they do not meet the requirements for the additional height provided by the code. They had every opportunity to re-submit their application with a design that meets the code requirements or to seek a variance from the code requirement that would produce a less impactful development. They chose not to do so. They cannot now argue that these variances are the only option available to them to preserve their substantial property rights.

*Criteria #3. Variance Is Not Detrimental*

BSRE argues that the lower building height of several of the buildings, the locating of an emergency services facility, and the placement of tall buildings closer to the bluff (the environmentally critical area) shows that the variance request is not detrimental. There is no analysis of the impact of taller buildings on the surrounding community or the environment, including the adjacent critical area. There is no analysis of how these potential impacts would be mitigated.

*Criteria #4. Variance Does Not Affect County Comprehensive Plan*

Comprehensive plans are written to establish large goals that work for the entire community, not just one private party. A variance to a zoning requirement is not legislative policy matter.

*Summary*

In summary, the Town of Woodway does not support these variance requests and supports the County's efforts to review this application with the tools and criteria established by the County, not BSRE. BSRE has stubbornly adhered to their quest for higher buildings even though they've been told at every level of review that this variance was not justified. They must compromise, and they had the opportunity to do so here. They chose not to.

Sincerely,



Carla A. Nichols, Mayor

Cc: City of Shoreline  
Woodway Town Council